

# HOUSE . . . . . No. 67

By Ms. Story of Amherst, petition of Ellen Story and others that the Secretary of the Commonwealth be required to promulgate regulations for the implementation of an “instant runoff voting” system providing for preferential voting for Constitutional officers. Election Laws.

## The Commonwealth of Massachusetts

### PETITION OF:

Ellen Story	Benjamin Swan
J. James Marzilli, Jr	Byron Rushing
Jay R. Kaufman	Peter V. Kocot
Patricia D. Jehlen	John W. Scibak
Frank I Smizik	Alice K. Wolf
Edward G. Connolly	Carl M. Sciortino, Jr.

In the Year Two Thousand and Five.

AN ACT RELATIVE TO VOTING BY THE INSTANT RUNOFF VOTING METHOD IN  
PRIMARIES.

*Be it enacted by the Senate and House of Representatives in General  
Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Section 2 of chapter 50 of the General Laws, as  
2 appearing in the 2002 Official Edition, is hereby amended by  
3 striking out the third sentence and inserting in place thereof the  
4 following:  
5 This section shall not apply to nominations and elections by  
6 ballot at primaries or caucuses. The Instant Runoff Voting  
7 method, as defined in section 1 of chapter 50 shall be the method  
8 used for all primary elections and caucuses for the following  
9 offices when three or more candidates have qualified to have their  
10 names printed on the ballot: governor, lieutenant governor,  
11 attorney general, secretary of the commonwealth, state treasurer,  
12 and state auditor. Ballots shall allow the voter to mark the voter’s  
13 first choice in the same manner as that for offices not elected by  
14 Instant Runoff Voting. Sample ballots illustrating voting proce-

dures shall be posted in or near the voting booth, and shall be included in the instruction packet for absentee ballots. Directions to voters shall conform substantially to the following:

“Vote for your first-choice candidate by marking the number ‘1’ next to that candidate’s name. In addition to your first choice candidate, you may rank additional candidates in order of preference. Ranking additional candidates will not affect your first-choice candidate. Indicate your second choice by marking the number ‘2’ by that candidate’s name, your third choice by marking the number ‘3,’ and so on for as many candidates as you wish. Do not mark the same number beside more than one candidate. Do not skip numbers.”

The secretary of the commonwealth shall adopt and promulgate regulations consistent with this section, which regulations shall ensure that ballots shall be simple and easy to understand. As soon as practicable, the secretary of the commonwealth shall ensure that all voting equipment in the commonwealth is capable of effecting Instant Runoff Voting. In addition, the secretary of the commonwealth shall conduct a voter education campaign to familiarize voters with Instant Runoff Voting.

SECTION 2. Section 1 of chapter 50 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by inserting after the definition of “federal act” the following definition:

“Instant Runoff Voting” means a method of casting and tabulating votes that simulates the ballot counts that would occur if all voters participated in a series of runoff elections with one candidate eliminated after each round of counting. In elections using the Instant Runoff Voting method, voters may rank the candidates in order of preference. In all such elections, the count shall proceed in the following manner:

(1) The initial round of counting shall be a count of the first choices marked on each ballot. If any candidate receives a majority of the first choices, that candidate shall be deemed and declared elected.

(2) If no candidate receives a majority of first choices, there shall be a second round of counting. The last-place candidate shall be eliminated, and all the continuing ballots shall be

19 recounted. “Continuing ballot” means a ballot that is not an  
20 exhausted ballot.

21 (3) Each continuing ballot shall be counted as one vote for that  
22 ballot’s highest ranked advancing candidate. “Advancing candi-  
23 date” means a candidate who has not been eliminated.

24 (4) If no candidate receives a majority at the second round of  
25 counting, there shall be a third round of counting. The last-place  
26 candidate shall be eliminated, and all the continuing ballots shall  
27 be recounted. Each continuing ballot shall be counted as one vote  
28 for that ballot’s highest ranked advancing candidate.

29 (5) The process of eliminating the last-place candidates and  
30 recounting all the continuing ballots shall continue until one can-  
31 didate receives a majority of the votes in a round. The candidate  
32 who receives a majority of the votes in a round shall be deemed  
33 and declared to be elected.

34 (6) When a ballot becomes an exhausted ballot it shall not be  
35 counted in that round or any subsequent round. “Exhausted  
36 ballot” means a ballot on which there are no choices marked other  
37 than choices for eliminated candidates.

38 (7) If there are not sufficient second and lower choices for any  
39 candidate to receive a majority, the candidate with the highest  
40 number of votes shall be deemed and declared to be elected.

41 (8) No candidate who has been eliminated can be elected, no  
42 matter how many second and lower ranked choices might other-  
43 wise have become votes for that candidate in a later round.